

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/991,721	11/13/2001	J. Andrea McCart	NIH174.001C1

20995
KNOBBE MARTENS OLSON & BEAR LLP
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH, CA 92660

CONFIRMATION NO. 5587

FORMALITIES LETTER



OC000000007202684

Date Mailed: 12/18/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

RECEIVED
JUN 26 2002
OFFICE OF PETITIONS

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

06/26/2002 RWONDAF1 00000023 09991721

02 FC:105

130.00 0P

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

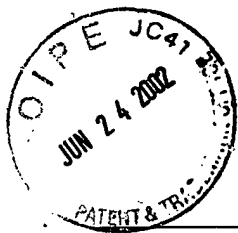
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT

Case Docket No. NIH174.001C1

Date: June 18, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : McCart, et al.
App. No. : 09/991,721
Filed : November 13, 2001
For : A COMBINED GROWTH
FACTOR-DELETED AND
THYMIDINE KINASE-
DELETED VACCINIA VIRUS
VECTOR

Group Art Unit : 1642

) I hereby certify that this correspondence and all marked
) attachments are being deposited with the United States
) Postal Service as first class mail in an envelope addressed
) to: United States Patent and Trademark Office, P.O. Box
2327, Arlington, VA 22202, on

June 18, 2002

(Date)

Nancy W. Vensko, Reg. No. 36,298

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JUN 26 2002

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TRANSMITTAL LETTER

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

ATTENTION: BOX MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on December 18, 2001, enclosed are:

- (X) A Declaration and Power of Attorney.
- (X) An extension of time to respond for four month(s) is hereby requested.

Time Extension Fee:

- (X) four months (\$1440 large entity)
- (X) Notification of Non-Entitlement to Small Entity Status 37 C.F.R. § 1.28(c).
- (X) Sequence Submission Statement.
- (X) Sequence Listing in computer readable form (diskette).

06/26/2002 RUMDAF1 00000023 09991721

01 FC:116

1440.00 US\$

PATENT


Case Docket No. NIH174.001C1

Date: June 18, 2002

- (X) Paper copy of Sequence Listing.
- (X) A Notice to File Missing Parts.
- (X) Return prepaid postcard.
- (X) Fees as calculated below:

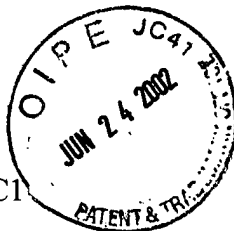
FEE FOR EXTENSION OF TIME (LARGE ENTITY)	4 months	\$ 1440
DEFICIENCY OWED FOR NON-ENTITLEMENT OF SMALL ENTITY		\$ 466
SURCHARGE 37 CFR 1.16(e)		\$ 130
TOTAL OF ABOVE CALCULATIONS		\$ 2036
REDUCTION BY 1/2 FOR FILING BY SMALL ENTITY.		
Note 37 CFR 1.9, 1.27, 1.28. If applicable, verified statement must be attached. \$ - 0		
TOTAL FEES SUBMITTED HERewith		\$ 2036

- (X) A check in the amount of \$2036 to cover the above fees is enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.



Nancy W. Vensko
Registration No. 36,298
Attorney of Record

NIH174.001C1



#4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	McCart, et al.)	Group Art Unit: 1642
Appl. No.	:	09/991,721)	Batch No.: Unknown
Filed	:	November 13, 2001)	
For	:	A COMBINED GROWTH FACTOR- DELETED AND THYMIDINE KINASE - DELETED VACCINIA VIRUS VECTOR)	
Examiner	:	Unknown)	

RECEIVED
JUN 26 2002
OFFICE OF PETITIONS

NOTIFICATION OF NON-ENTITLEMENT TO
SMALL ENTITY STATUS 37 C.F.R. § 1.28(c)

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Adjustment date: 06/26/2002		
11/28/2001 EFLORES	00000050	09991721
01 FC:201		-370.00 OP
02 FC:203		-54.00 OP
06/26/2002	AWCHDAF1	00000024 09991721
01 FC:101		740.00 OP
02 FC:103		108.00 OP
06/26/2002	AWCHDAF1	00000025 111410 09991721
01 FC:102	42.00 CH	42.00 OP

Dear Sir:

Applicant hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity.

- (X) The claim for small entity status set forth when filed was an unintentional error and is hereby withdrawn.
- (X) The attempt to establish status as a small entity was not made improperly with an intent to deceive or defraud the patent office.
- (X) The delay in submission of this notification was unintentional.
- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

(X) Enclosed is a check for \$466 as payment of the deficiency owed:

Basic Filing Fee: amount paid \$370; deficiency owed: \$370

6 extra claims: amount paid \$54; deficiency owed: \$54

1 extra Independent claims: amount paid \$42; deficiency owed: \$42


Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

6/17/02

By: _____


Nancy W. Vensko

Registration No. 36,298

Attorney of Record

620 Newport Center Drive

Sixteenth Floor

Newport Beach, CA 92660

(805) 547-5585